

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 294 of 2006(I)

PETITIONER:

ROBIN.C. RESIDING AT MF-5-4007,
VRINDAVAN HOUSING COLONY, PATTOM PALACE PO,
TRIVANDRUM 4.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR
SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, HIGHER EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.
2. THE KERALA PUBLIC SERVICE COMMISSION,
PATTOM PALACE P.O. THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.
3. THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, TRIVANDRUM.
4. THE UNIVERSITY GRANTS COMMISSION,
BAHADURSHAH ZAFAR MARG, NEW DELHI 2,
REPRESENTED BY ITS SECRETARY.

ADDL.R5. RAJESH GEORGE, KANNETHUKUNNEL, CHEMMALAMATTOM.P.O.,
KOTTAYAM - 686 529.

IMPLEADED AS PER ORDER IN IA.1503/06 DT.3/2/2006.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
SRI.V.K.MOHAMMED YOUSUF, ADDL.CGSC
SRI. AJITH KRISHNAN, ADDL.CGSC
SRI.S.MOHAMMED AL RAFI
GOVT.PLEADER SRI.A.J.VARGHESE.
SRI.S.KRISHNAMOORTHY
MR.JOHN VARGHESE ASST.S.G.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/06/2007, ALONG WITH WPC NO. 374 OF 2006 THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

EXT.P1: TRUE COPY OF M.A. DEGREE CERTIFICATE.

EXT.P2: TRUE COPY OF MARK LISTS.

EXT.P3: TRUE COPY OF M.A.DEGREE CERTIFICATE.

EXT.P4: TRUE COPY OF NOTIFICATION DT. 20/8/99.

EXT.P5: TRUE COPY OF CERTIFICATE OF SLET DT. 19/1/2000.

EXT.P6: TRUE COPY OF NOTIFICATION DT. 17/2/2004.

EXT.P7: TRUE COPY OF HALL TICKET.

EXT.P8: TRUE COOPY OF NOTIFICATION DT. 4/6/2005.

EXT.P9: TRUE COOPY OF LETTER DT. 14/11/2005.

EXT.P10: TRUE COPY OF RANKED LIST DT. 21/12/2005.

EXT.P11: TRUE COPY OF REPRESENTATION DT. 22/12/2005.

EXT.P12: TRUE COPY OF NOTIFICATION DT. 21/3/94.

EXT.P13: TRUE COPY OF LETTER DT.10/6/99.

EXT.P14: TRUE COPY FO LETTER DT. 3/9/2003.

EXT.P15: TRUE COPY OF NOTIFICATION DT. 4/4/2000.

EXT.P16: TRUE COPY OF LETTER DT. 31/7/2002.

EXT.P17: TRUE COPY OF AMENDED REGULATIONS

EXT.P18: TRUE COPY OF NOTIFICATION

EXT.P19: TRUE COPY OF LETTER DT.27/2/2006.

EXT.P20: TRUE COPY OF LETTER DT. 26/4/2006.

RESPONDENTS' EXHIBITS:

EXT.R4(A): TRUE COPY OF NOTIFICATION DT. 24/12/98.

EXT.R4(B): TRUE COPY OF U.G.C. REGULATIONS

EXT.R4(C): TRUE COPY FO LETTER DT. 9/12/2004.

EXT.R4(D): TRUE COPY OF U.G.C'S LETTER DT. 22/2/02.

W.P(C) No. 294 & 374 of 2006

Dated this the 26th day of June, 2007.

J U D G M E N T

Petitioners had applied for the post of Lecturer in Economics in response to a notification issued by the Kerala Public Service Commission. Admittedly petitioners passed State Level Eligibility Test from Bharathi Dasan University in Tamil Nadu, in addition to the Post Graduate degree obtained by them from Kerala. The Commission took the view that going by the Special Rules, petitioners are not eligible for selection. It is in the above circumstances that the petitioners have challenged the decision of the Commission in these two writ petitions.

2. It is brought to my notice that this Court had occasion to deal with an identical issue in several cases. In W.P.No.22742/2004 a learned single Judge of this Court held that the stand taken by the Commission was perfectly in conformity with the requirement of the Special Rules as well as the notification issued by the Commission.

3. A Division Bench of this Court in *Abu v. State of Kerala* (2007 (2) ILR 315) had occasion to consider the same issue. The Division Bench also took the view that candidates who have obtained qualification from an institution outside the State of Kerala were not eligible to be considered for selection. Specific reference was made to the relevant clause in the Special Rules which mandated that the candidates must have passed a comprehensive test specifically conducted for the purpose by UGC or any agency duly constituted by the State Government in this behalf. In view of the above settled position, I am of the view that the contentions raised by the petitioners cannot be entertained.

Therefore the writ petitions are dismissed.

**A.K. Basheer
Judge.**

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